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ZONING LAW

OF THE CITY OF BOSTON

(CHAPTER 488 OF THE ACTS OF 1924)

IN EFFECT JUNE 5, 1924



THE CITY PLANNING BOARD

CITY OF BOSTON
PRINTING DEPARTMENT



THE CITY PLANNING BOARD.

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ZONING LAW OF THE CITY OF BOSTON

(CHAPTER 488 OF THE ACTS OF 1924)

IN EFFECT JUNE 5, 1924

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Twenty-Four.

AN ACT REGULATING AND RESTRICTING THE USE OF BUILDINGS AND PREMISES, THE HEIGHT AND BULK OF BUILDINGS AND THE OCCUPANCY OF LOTS IN THE CITY OF BOSTON AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

DEFINITIONS.

SECTION I. For the purposes of this act, certain words and terms used herein are hereinafter defined; words not defined herein shall be construed as defined or used in chapter five hundred and fifty of the acts of nineteen hundred and seven, and acts in amendment thereof and in addition thereto, being the building law of the city of Boston, hereinafter referred to as the aforesaid building law or, if not defined or used therein, as in the regulations of the department of public safety.

Building, Area of: The maximum horizontal projected area of a building, including covered porches but excluding cornices not more than eighteen inches wide, steps and terraces.

Dwelling: Any house or building, or portion thereof, except a hotel, which is occupied in whole or in part as the home or residence of one or more persons, either permanently or transiently.

Hotel: A building occupied as the more or less temporary abiding place of individuals in which provision is not made for cooking in any apartment, and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen.

SINGLE RESIDENCE DISTRICTS.

SECTION 3. In a single residence district no building or premises shall be erected, altered or used except for one or more of the following uses:

- (1) Single-family detached dwellings;
- (2) Clubs, except clubs the chief activity of which is a service customarily carried on as a business and clubs with more than five sleeping rooms;
- (3) Educational, religious, philanthropic or other institutional uses, provided that in the case of a hospital, sanitarium, correctional institution or similar use the health commissioner of Boston and building commissioner of Boston approve the location as not detrimental or injurious to the residential character of the neighborhood after public notice and hearing;
- (4) Farms, gardens, nurseries or greenhouses;
- (5) Municipal recreational uses;
- (6) Railroad or street railway local passenger stations;
- (7) Cemeteries, provided the health commissioner of Boston and the Boston city council approve the location;
- (8) Accessory uses customarily incident to any of the above permitted uses. The term "accessory use" shall not include:
 - (a) Garages;
 - (b) Any use, except signs, located upon that half of the lot nearest the street line or lines, or within ten feet of such part of an adjacent lot, unless it is either fifty feet from the nearest street or in the same building to which the use is accessory;
 - (c) Signs except those pertaining to the lease, sale or use of a lot or building on which placed, and not exceeding a total area of eight square feet, and except further that on a lot occupied by a dwelling there shall not be more than one such sign, pertaining to the use thereof or bearing the name or occupation of an occupant, for each family housed and no such sign shall exceed one square foot in area;

(9) Garages in which the business of repairing is not conducted and in which not more than one commercial automobile is stored, provided after public hearing the board of street commissioners grants a license therefor. No such license shall be granted where such garage will be detrimental to the residential character of the neighborhood, or increases the fire hazard or tends to cause congestion in any private way used in common with others. From any decision of said commissioners granting any such license any person aggrieved may take an appeal, within fifteen days of notice of such decision, to the state fire marshal, who may after public hearing suspend or revoke any such license.

GENERAL RESIDENCE DISTRICTS.

SECTION 4. In a general residence district no building or premises shall be erected, altered or used except for one or more of the following uses:

- (1) Any use permitted in a single residence district;
- (2) Dwellings;
- (3) Clubs, social or recreational buildings, except clubs the chief activity of which is a service customarily carried on as a business;
- (4) Hotels, provided they conform to all the requirements of this act for dwellings;
- (5) Accessory uses customarily incident to any of the above uses. The term "accessory use" shall be construed as in section three.
- (6) Telephone exchange offices.

In a general residence district the building commissioner may grant a permit for physicians' offices, provided the building or use is not detrimental or injurious to the residential character of the neighborhood.

LOCAL BUSINESS DISTRICTS.

SECTION 5. In a local business district no building or premises shall be erected, altered or used for any use prohibited in a general business district as provided in section six, for any use injurious,

noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise, or for any use except one or more of the following:

- (1) Any use permitted in a single or general residence district;
- (2) Hotels;
- (3) Fire stations;
- (4) Offices or banks;
- (5) Places of amusement or assembly;
- (6) Stables, provided the health commissioner after public notice and hearing approves the location;
- (7) Any other retail business or service not involving any manufacture on the premises except as permitted in paragraph eight of this section;
- (8) Any manufacturing, industrial or other use on the same premises with and clearly incidental to one of the above uses, provided that it does not occupy an area exceeding fifty per cent of the floor area of that part of a building occupied by such use, and provided further that the major portion of any products manufactured are to be sold at retail on the premises to the consumer;
- (9) Filling stations or garages otherwise excluded, provided that the board of street commissioners, after public notice and hearing, grants a license therefor. No such license shall be granted where such filling station or garage will be detrimental or injurious to the business character of the neighborhood.

GENERAL BUSINESS DISTRICTS.

SECTION 6. In a general business district no building or premises shall be erected, altered or used for any of the following specified trades, industries or uses:

- (1) Aluminum, copper, iron, steel or alloys thereof: foundry or works;
- (2) Assaying, other than gold and silver;
- (3) Blacksmith or horse-shoeing shop;
- (4) Bleaching, dry cleaning or dyeing at wholesale;
- (5) Bottling works;
- (6) Brewing or distilling of liquor or spirits;
- (7) Brick, terra cotta or tile manufacture;

- (8) Building material storage yard;
- (9) Carpet or bag cleaning;
- (10) Coal, coke or wood yard;
- (11) Contractor's plant or storage yard, except during building construction on the same or an adjacent lot;
- (12) Cotton or woolen mills;
- (13) Fish curing or smoking;
- (14) Flour or grain mill or elevator;
- (15) Forge works;
- (16) Glass manufacture;
- (17) Ice manufacture for sale, or storage of more than twenty tons;
- (18) Junk or scrap iron dump, storage or wrecking;
- (19) Lumber yard;
- (20) Oiled or rubber cloth manufacture;
- (21) Paper or pulp manufacture;
- (22) Petroleum or other inflammable liquids: storage in excess of two thousand gallons or manufacture of any of its by-products;
- (23) Planing or saw mill;
- (24) Public utility power generating plant;
- (25) Rags or scrap paper dump, storage, sorting or baling;
- (26) Rock or stone crusher, mill or quarry;
- (27) Rubber manufacture or treatment;
- (28) Shoddy manufacture;
- (29) Soap manufacture;
- (30) Steam railroad yard or roundhouse;
- (31) Stone yard or cutting;
- (32) Sugar refining;
- (33) Tobacco, manufacture of chewing tobacco;
- (34) Any use prohibited in an industrial district as provided in section seven;
- (35) Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise.

INDUSTRIAL DISTRICTS.

SECTION 7. In an industrial district no building or premises shall be erected, altered or used for any of the following specified trades, industries or uses:

- (1) Ammonia, bleaching powder or chlorine manufacture or refining;
- (2) Asphalt manufacture or refining;
- (3) Blacking or polish manufacture;
- (4) Blast furnace;
- (5) Boiler works;
- (6) Candle or sperm oil manufacture;
- (7) Cement, gypsum, lime or plaster of paris manufacture;
- (8) Coke manufacture;
- (9) Cremation, unless in a cemetery;
- (10) Creosote manufacture or treatment;
- (11) Dextrin, glucose or starch manufacture;
- (12) Disinfectant or insecticide manufacture;
- (13) Distillation of bones, coal or wood or manufacture of any of their by-products;
- (14) Dye manufacture;
- (15) Explosives or fire-works manufacture, or storage in excess of five hundred pounds;
- (16) Fat, grease, lard or tallow manufacture, refining or rendering;
- (17) Fertilizer manufacture;
- (18) Gas (fuel or illuminating) manufacture in excess of one thousand cubic feet per day or storage in excess of ten thousand cubic feet;
- (19) Gelatin, glue or size manufacture;
- (20) Hydrochloric, nitric, picric, sulphuric or sulphurous acid manufacture;
- (21) Hair manufacture;
- (22) Hot rolling mill;
- (23) Incineration or reduction of dead animals, garbage offal or refuse unless accumulated and consumed on the same premises without the emission of odor;
- (24) Lamp-black manufacture;
- (25) Linoleum or oilcloth manufacture;
- (26) Match manufacture;
- (27) Metal or ore reduction or smelting;
- (28) Oil, paint, shellac, turpentine or varnish manufacture;
- (29) Petroleum or other inflammable liquids: production or refining;
- (30) Printing ink manufacture;

- (31) Pyroxylin manufacture, manufacture of articles thereof, or storage in excess of five hundred pounds unless in a vault approved by the state department of public safety;
- (32) Rubber manufacture from crude material;
- (33) Salt, soda or soda compounds manufacture;
- (34) Slaughtering except as permitted by the health commissioner of Boston;
- (35) Stock-yards;
- (36) Tanning, curing or storage of raw hides or skins;
- (37) Tar distillation or manufacture;
- (38) Tar roofing or waterproofing manufacture;
- (39) Wool pulling or scouring;
- (40) Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise, but not including places of amusement.

UNRESTRICTED DISTRICTS.

SECTION 8. In an unrestricted district buildings and premises may be used for any purposes not prohibited by law, ordinance or regulation.

NON-COMFORMING USES.

SECTION 9. Any lawful use of a building or premises or part thereof existing at the time of the taking effect of this act may be continued, although such use does not conform with the foregoing provisions hereof. In the case of a building or part thereof designed and intended for a non-conforming use, such use in a part thereof may be extended throughout the building or part thereof so designed and intended or changed to any use permitted in a district where such non-conforming use would be permitted and not more detrimental or injurious to the neighborhood, provided no structural alterations are hereafter made therein, except those required by law, ordinance or regulation.

The building commissioner may grant a permit for the erection of additional buildings or for the enlargement or alteration of existing buildings on the same or an adjacent parcel of land, each in the same single or joint ownership of record at the time it is placed in a use district, for a trade, business, industry or other use prohibited in

such district where such enlargement or alteration will not be detrimental or injurious to the character of the neighborhood.

The building commissioner may grant a permit for a non-conforming temporary building or use incidental to the development of a neighborhood and where reasonably required for such development, such permit to be issued for an initial period of not more than two years, and in the case of a building only upon application accompanied by a bond and bill of sale to the city, effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed by the commissioner for successive periods of not more than two years each.

In a general business or industrial district the building commissioner may grant a permit for a building or use otherwise excluded from such district, provided such building or use is distinctly incidental and essential to a use of a building or plant with a series of buildings permitted in such a district, provided not more than twenty per cent of the total floor area of the building or buildings is to be so occupied, provided that not more than twenty per cent of the employees of the building or plant are to be engaged therein, and provided that no building or use otherwise prohibited in the district is located within fifty feet of any street or lot line unless such line adjoins or faces property in a district in which such use is permitted.

ESTABLISHMENT OF BULK DISTRICTS.

SECTION 10. In order to regulate and limit the height and bulk of buildings, the area of yards and other open spaces and the percentage of lot occupancy, the city of Boston is hereby divided into the following classes of bulk districts:

- Thirty-five foot districts,
- Forty foot districts,
- Sixty-five foot districts,
- Eighty foot districts,
- One hundred and fifty-five foot districts,

as appearing on the zoning map prepared by the Boston city planning board, dated March fifteenth, nineteen hundred and twenty-four and filed, April twenty-eighth of said year, in the office of the state secretary, as amended by the substitution of a new sheet ten of said plan, filed with said office May eleventh, nineteen hundred and twenty-four, in place of sheet ten previously filed.

Except as hereinafter provided no building or part thereof shall be erected or altered so as to produce greater heights, smaller

yards or less unoccupied area than herein required for such a building for the bulk district in which it is located.

No lot shall be so reduced that the yards, courts or other open spaces shall be smaller than prescribed by this act. No yard, court or other open space shall at any time be counted as required open space for more than one building.

THIRTY-FIVE FOOT DISTRICTS.

SECTION II. In a thirty-five foot district:—

Height: No building shall exceed thirty-five feet or two and one half stories in height.

Rear Yards: There shall be behind every building other than an accessory building a rear yard extending across the entire width of the lot and having a minimum depth of twenty-five feet, provided that on lots not within a single or general residence district the depth may be reduced five feet.

Side Yards: There shall be a side yard on each side of every building or pair of semi-detached buildings in a single or general residence district. The minimum width of any side yard provided in a thirty-five foot district shall be six feet, which shall be increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time it is placed in a thirty-five foot district shall the buildable width be reduced by this requirement to less than twenty-four feet.

Courts: Courts shall conform to the regulations prescribed in sixty-five foot districts. In a single or general residence district no window required by the aforesaid building law shall open upon an outer court the depth of which exceeds its width or upon any inner court.

Set-back: In a single or general residence district no building shall hereafter be erected or altered to be within thirty feet of the center of the street on which it fronts or within ten feet of the street line, provided that on a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of such buildings.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines twenty feet distant from their point of intersection no

building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

Building Area: The area of a dwelling shall not exceed thirty-five per cent of the area of the lot. The area of a building other than a dwelling shall not exceed sixty per cent of the area of the lot.

FORTY FOOT DISTRICTS.

SECTION 12. In a forty foot district:—

Height: No building shall exceed forty feet or three stories in height.

Rear Yards: There shall be behind every building other than an accessory building a rear yard extending across the entire width of the lot and having a minimum depth of twenty feet.

Side Yards: There shall be a side yard on each side of every building or attached group of buildings other than accessory buildings in a single or general residence district unless there is a party wall.

The minimum width of any side yard provided in a forty foot district shall be six feet, which shall be increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time it is placed in a forty foot district shall the buildable width be reduced by this requirement to less than twenty-four feet.

Courts: Courts shall conform to the regulations prescribed in sixty-five foot districts, provided that in a single or general residence district no window required by the aforesaid building law shall open upon any inner court the length or width of which is less than its average height.

Set-back: In a single or general residence district no building shall hereafter be erected or altered to be within twenty-five feet of the center of the street on which it fronts or within ten feet of the street line, provided that on a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of such buildings.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines fifteen feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

Building Area: The area of a dwelling shall not exceed sixty per cent of the area of the lot. The area of a building other than a dwelling shall not exceed seventy per cent of the area of the lot.

SIXTY-FIVE FOOT DISTRICTS.

SECTION 13. In a sixty-five foot district:—

Height: No building shall exceed sixty-five feet or five stories in height.

Yards and Courts: There shall be in the rear of every building other than an accessory building a rear yard extending across the entire width of the lot, provided that no rear yard shall be required for any building in those cases enumerated in section fifty-six of the aforesaid building law. All yards and courts shall conform to the requirements prescribed for tenement houses by the aforesaid building law.

Set-back: In a single or general residence district, in a sixty-five foot district and in any adjacent forty foot or thirty-five foot district on lots fronting on one side of a street between two intersecting streets no building shall hereafter be erected or altered to be nearer the street line than the average set-back of existing buildings within such limits, subject to the following provisions:

1. No set-back need exceed ten feet in any case. Any reduced set-back thus established shall be used in computing the average set-back.

2. On a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of such buildings. Any set-back thus established shall be included in computing the average set-back.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines ten feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

Building Area: The area of a dwelling shall not exceed seventy per cent of the area of the lot. The area of a building other than a dwelling shall not exceed eighty per cent of the area of the lot.

EIGHTY FOOT DISTRICTS.

SECTION 14. In an eighty foot district:—

Height: No building shall exceed the height limit heretofore in effect in district B as established by the commission on height

of buildings in the city of Boston under chapter three hundred and thirty-three of the acts of nineteen hundred and four, and as thereafter revised; provided, that nothing herein shall be construed to affect the now existing limit of the height of buildings abutting on Commonwealth avenue between Arlington and Kenmore streets.

Set-back: Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines five feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

Building Area: In a single or general residence district and for dwellings in any use district the area of a building shall not exceed eighty per cent of the area of the lot. For other buildings no requirements are herein prescribed.

ONE HUNDRED AND FIFTY-FIVE FOOT DISTRICTS.

SECTION 15. In a one hundred and fifty-five foot district:—

Height: No building shall exceed the height heretofore in effect in district A as established by the commission on height of buildings in the city of Boston under chapter three hundred and thirty-three of the acts of nineteen hundred and four, and as thereafter revised.

BULK DISTRICT REGULATIONS AND EXCEPTIONS.

SECTION 16. The foregoing requirements in the bulk districts shall be subject to the following exceptions and regulations:

Height.

(1) In a thirty-five foot or forty foot district a single-family dwelling or building for recreational use may be built to a height of three and one half stories but not exceeding forty-five feet, and an educational, religious, philanthropic or other institutional building may be built to a height of five stories, but not exceeding sixty-five feet, provided in each case the building sets back from each street and lot line, in addition to other yard and set-back requirements, ten feet plus one foot for each foot of such height in excess of the height limit; and a telephone exchange office may be built to a height of five stories but not exceeding sixty-five feet, provided that the part of the building above the height limit sets back ten feet from each street and lot line, in addition to other yard and set-back requirements.

(2) In an industrial or unrestricted district all dwellings shall conform to the regulations herein prescribed for dwellings in forty foot districts.

(3) Structures specified in and exempted from height limitation by section four of chapter three hundred and eighty-three of the acts of nineteen hundred and five, as amended by section one of chapter one hundred and fifty-six of the Special Acts of nineteen hundred and nineteen, by chapter one hundred and seventy-four of the acts of nineteen hundred and twenty-two and by section twenty-seven of chapter four hundred and sixty-two of the acts of nineteen hundred and twenty-three, may be erected above the height limit herein established.

Area.

(4) In a thirty-five foot or forty foot district on a lot less than one hundred feet deep the depth of a rear yard may be reduced to one per cent of the depth required in preceding sections of this act for each foot of lot depth, but in no such case to less than twelve feet.

(5) In a thirty-five foot or forty foot district where there is a street, alley, railroad right of way, public park or cemetery along the rear or side of a lot, the measurement of the depth of rear yard and width of side yard may be made to the center of such street, alley, right of way, park or cemetery, and for that portion of the lot within twenty-five feet of any such rear or side, the building area may be increased by an additional ten per cent of such portion of the lot.

(6) In a thirty-five foot or forty foot district where there is a street, alley, railroad right of way, public park or cemetery along the side of a lot, for that portion of the lot within twenty-five feet of such side the depth of rear yard may be reduced six feet.

(7) In a thirty-five foot or forty foot district where a lot containing ten thousand square feet or less is entirely surrounded by streets or by streets and alleys or a railroad right of way, public park or cemetery, the building area may be increased twenty per cent.

(8) In a sixty-five foot or eighty foot district on a lot where no yard is required the building area may be increased thirty per cent.

(9) No part of a yard required for a dwelling shall be higher in level above the floor of the first dwelling story than one foot for each two feet of distance from the building or for other buildings a similar distance above the second story floor.

(10) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for the projections of sky-lights above the bottom of such yard or court, and except for the ordinary projections of window-sills, belt courses and other ornamental features, to the extent of not more than four inches. Cornices may not extend more than four inches into any court nor more than eighteen inches into any yard. Open or lattice-enclosed iron fire escapes or unenclosed outside stairs may project into the rear or side yard a distance of not more than four feet, provided that the exact location thereof receives the approval of the building commissioner.

(11) The limitation of building area herein prescribed shall apply in a thirty-five foot or forty foot single or general residence district at the curb grade; for a dwelling in any other district at a level not more than two feet above the first story floor; elsewhere not more than two feet above the second story floor; and not more than twenty feet above the mean curb grade in any case.

(12) On a lot occupied by a dwelling other than a tenement house a one-story building of accessory use thereto and not more than fifteen feet high measured to the mean height of the gable may be located in and occupy not more than thirty per cent of the rear yard of such dwelling. The area occupied by such a building of accessory use shall not be included as occupied area in computing the percentage of lot occupancy.

(13) Chimneys or flues may be erected within the limits prescribed for yards, provided that they do not exceed five square feet in total horizontal area and do not obstruct ventilation.

BOUNDARIES OF DISTRICTS.

SECTION 17. Unless otherwise indicated, the district boundary lines are the center lines of streets, alleys, parkways or railroad rights of way, or such lines extended. Other lines within blocks less than two hundred feet wide are median lines between their sides; other lines within blocks two hundred feet or more wide are one hundred feet distant from the less restricted side of the block.

Where the boundary line of a district divides a lot in a single or joint ownership at the time such district is established, a building or use authorized on the less restricted portion of such lot may extend to the entire lot but in no case for a distance of more than thirty feet.

Where the street or alley layout actually on the ground varies from the layout as shown on the zoning map the building commissioner shall interpret said map according to the reasonable intent of this act.

ENFORCEMENT; PERMITS.

SECTION 18. It shall be the duty of the building commissioner of the city of Boston to enforce the provisions of this act in manner and form and with powers similar to those practised or provided under the aforesaid building law. No permit shall be issued for the construction, alteration or moving of any building or part thereof unless the plans and intended use indicate that the building and the premises are to conform in all respects to the provisions of this act.

Upon any well founded information in writing from any person aggrieved that the provisions of this chapter are being violated or upon his own initiative, the building commissioner shall take immediate steps to enforce the provisions of this act by causing complaint to be made before the municipal court of the city of Boston or by applying for an injunction in the superior court.

It shall be unlawful to use or permit the use of any premises or building or part thereof hereafter erected, or altered wholly or partly or the yards, courts or other open spaces of which are in any way reduced, until the building commissioner shall have certified on the building permit or, in case no building permit is issued, shall have issued a use permit specifying the use to which the premises, or the building upon being sufficiently completed to comply with the provisions and regulations relating thereto may be put.

APPEALS.

SECTION 19. The board of appeal provided for in paragraph one of section six of the aforesaid building law shall act as a board of appeal under this act, and the members thereof shall receive for acting under this act the same compensation as provided in the aforesaid building law.

Any applicant for a permit under this act whose application has been refused may appeal therefrom within ninety days. Any applicant to the building commissioner for a permit who appeals to the said board shall pay to him a fee of ten dollars before such permit shall be considered by the board. Such fees shall be deposited by the building commissioner with the city collector at least once a week.

The board of appeal may vary the application of this act in specific cases wherein its enforcement would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially derogating from the intent and purpose of this act, but not otherwise. No such variance shall be authorized except by the unanimous decision of the entire membership of the board, rendered upon a written petition addressed to the board and after public hearing thereon, of which notice shall be mailed to the petitioner and to the owners of all property deemed by the board to be affected thereby as they appear in the most recent local tax list and also advertised in a daily newspaper published in the city of Boston.

The board shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person aggrieved by a decision of the board of appeal, whether previously a party to the proceeding or not, or any municipal officer or board may, within fifteen days after the entry of such decision, bring a petition in the supreme judicial court for the county of Suffolk for a writ of certiorari to correct errors of law therein, and the provisions of section four of chapter two hundred and forty-nine of the General Laws shall, except as herein provided, apply to said petition.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

BOARD OF ZONING ADJUSTMENT.

SECTION 20. There shall be a board of zoning adjustment to consist of twelve members as follows:—The chairman of the city planning board ex officio, and eleven members appointed by the mayor in the following manner: one member from two candidates nominated by the Associated Industries of Massachusetts, one member from two candidates nominated by the Boston Central Labor Union, one member from two candidates nominated by the Boston Chamber of Commerce, one member from two candidates to be nominated by the Boston Real Estate Exchange, one member

from two candidates to be nominated by the Massachusetts Real Estate Exchange, one member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Landscape Architects, one member from two candidates to be nominated by the Boston Society of Civil Engineers, one member from two candidates to be nominated by the Master Builders' Association of Boston, one member from two candidates to be nominated by the Team Owners Association, one member from two candidates to be nominated by the United Improvement Association, and one member to be selected by the mayor. All appointive members shall be residents of or engaged in business in Boston. Two of the appointments first made shall be for the term of one year, two for the term of two years, two for the term of three years, two for the term of four years, and two for the term of five years, respectively, so that the terms of two members will expire each year. All subsequent appointments shall be for the term of five years. Vacancies among the appointive members shall be filled in the same manner in which original appointments are made. The several heads of departments of the city of Boston shall on request of the board supply it with all information in their possession useful for its duties.

Either upon petition or otherwise, the board may, subject to the following conditions, change the boundaries of districts by changing the zoning map, on file at the state secretary's office, to meet altered needs of a locality, to avoid undue concentration of population, to provide adequate light and air, to lessen congestion in streets, to secure safety from fire, panic and other dangers, to facilitate the adequate provision of transportation, water, sewerage and other public requirements and to promote the health, safety, convenience and welfare of the inhabitants of the city of Boston. Such changes shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land. No such change shall be made except by the decision of not less than four-fifths of the members of the board, excepting only any member or members not qualified to act, rendered after a public hearing thereon, of which notice shall be mailed to the petitioner, if any, to the building commissioner, the chairman of the assessing department, the chairman of the street laying-out department, the commissioner of public works, the fire commissioner and the health commissioner of the city of Boston, and to the owners of all property deemed by the board to be

affected thereby as they appear in the most recent local tax list and also advertised in a daily newspaper published in the city of Boston. No member shall act in any case in which he is personally interested either directly or indirectly.

The board shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner of Boston and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid. Upon any decision changing the zoning map, on file at the state secretary's office, an amended map showing such change endorsed by the chairman of said board shall be filed forthwith at said office.

If a change be favorably decided upon, any person aggrieved or any municipal officer or board may, within fifteen days after the entry of such decision, bring a petition in the supreme judicial court for the county of Suffolk for a writ of certiorari setting forth that such decision is in whole or part not in accordance with the duties and powers of such board as above prescribed and specifying the particulars of such non-compliance. The provisions of section four of chapter two hundred and forty-nine of the General Laws shall, except as herein provided, apply to said petition.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

The board shall not reduce in any way the area of the one hundred and fifty-five foot district established by this act.

The board shall report its doings annually on or before the tenth day of February to the mayor of Boston and to the general court.

If any area is hereafter transferred to another district by a change in district boundaries either by action of the board of zoning adjustment or by an amendment to this act, the buildings and uses then existing within said area shall be subject to the provisions of this act with reference to existing buildings or uses in the district to which the area is removed.

JURISDICTION; PENALTIES.

SECTION 21. The jurisdiction of courts in equity and at law and penalties for violation of any of the provisions of this act shall be as set forth in the aforesaid building law for violations thereof.

INTERPRETATION AND APPLICATION.

SECTION 22. In interpreting and applying the provisions of this act they shall be held to be the minimum requirements for the promotion of health, safety, convenience and welfare of the inhabitants of the city of Boston. This act shall not interfere with, abrogate, annul or repeal any statute previously enacted, relating to the use of buildings or premises, provided, however, that where this act imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than imposed or required by such statute, the provisions of this act shall control.

The provisions of this act shall not apply to buildings or land belonging to and occupied by the United States or the commonwealth.

A building or premises used or to be used by a public service corporation may be exempted from the operation of this act if, upon a petition of the corporation, the department of public utilities shall, after a public hearing, decide that the present or proposed situation of the building or premises in question is reasonably necessary for the convenience or welfare of the public.

EXISTING BUILDINGS AND PERMITS.

SECTION 23. Nothing in this act shall prevent the substantial restoration within twelve months and continuance of use of a building which has been damaged by fire, explosion, flood, riot, act of the public enemy or accident of any kind to such an extent that the estimated cost of such restoration does not exceed three quarters of the fair value of the building based on replacement cost immediately prior to such damage. In the case of a building not conforming in use or in bulk to the regulations for the district in which it is located and so damaged to a greater extent, the building commissioner may grant a permit for restoration and continuance of use where neither will be detrimental or injurious to the character of the neighborhood.

Nothing in this act shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the

second tier of beams, shall have been completed within such six months, and which entire building shall be completed according to such plans as filed within two years from the date this act takes effect. Nothing herein shall prevent the restoration of a wall or other structural part of a building declared unsafe by the building commissioner.

VALIDITY.

SECTION 24. The invalidity of any section or provision of this act shall not invalidate any other section or provision hereof.

WHEN EFFECTIVE.

SECTION 25. This act shall take effect upon its passage.

Approved June 5, 1924.



Report Binder
Stock No./Color

80571	Black
80572	Lt. Blue
80573	Dk. Blue
80578	Rust
80579	Exec. Red

MADE IN THE USA

